

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

KATHY R. MUNSON,)
Plaintiff,)
v.)
ANDREW M. SAUL,)
Commissioner of Social Security,)
Defendant.)
Civ. No. 5:17-00185-GCM

ORDER

Plaintiff's counsel filed a motion for approval of attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$30,000.00. Attorney fees awarded under 42 U.S.C. § 406(b) may not exceed 25% of the total of the claimant's past-due benefits. Plaintiff previously has been awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$3,800.00. Defendant filed a response, stating that, under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$30,000. Plaintiff's counsel will refund to Plaintiff the smaller amount between this amount and any fee amount that previously was received under the EAJA.

Signed: February 25, 2020

Graham C. Brucker

Graham C. Mullen
United States District Judge

